

HB 1746 -- Licensure of Livestock and Poultry Slaughter and Processing Plants

Sponsor: Wells

This bill specifies that in any court action challenging the issuance of a license for a commercial livestock or poultry slaughter or processing plant or cold storage warehouse, the court must require a surety bond of the person filing the action. In its main provisions, the bill:

- (1) Requires the bond to be set at an amount representing 20% of the estimated costs of building the facility or the operational costs of an existing facility. This requirement will not apply to an indigent person;
- (2) Requires the bond to be paid within 30 days of the filing or the action will be dismissed;
- (3) Requires an action to be brought in the circuit court where the proposed or existing facility is located;
- (4) Allows the court to award court costs and attorney fees if the court determines that a judicial action challenging a license was without merit or was for a specified improper purpose; and
- (5) Requires a person who files an action and does not prevail to be liable for all financial losses incurred by the facility if the court issues an injunction that halts operations of the facility while the action is pending.

These provisions cannot prohibit a defendant from filing an action or counterclaim for any claim for relief available by law or to limit that recovery.